IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr.JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12808 of 1989

Between:

The Management of Singareni Collieries

Company Limited, Ramakrishnapur-II Division,

P.O., Kalyanikhani, Adilibad District.

..... PETITIONER

AND

1. The Presiding Officer,

   Industrial Tribunal (Central),

   Hyderabad.

2. The workmen of Singareni Collieries

   Co. Ltd., Ramakrishnapur-II Division,'

   PO: Kalyanikhani, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ, particularly one in the nature of writ of Certiorari after calling for the records from the Industrial Tribunal (Central), Hyderabad, who is the 1st respondent herein, and quash the Award passed by him in I.D.No.17 of 1986, dated 22-01-1987.

Counsel for the Petitioner: MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: Sri G.VIDYA SAGAR

The Court made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12808 of 1989

ORDER:

The petitioner-Management approached this Court through this writ petition seeking to quash the award of the Industrial Tribunal (Central) at Hyderabad, dtd.22-01-1987 in I.D.No.17 of 1986. One Thallapalli Banaiah, Coal filler, was dismissed from service on 11-06-1984 in pursuance of a disciplinary enquiry held against him regarding the workman abusing a Trammer in filthy language and that he left the work spot without permission and stopped other coal fillers by causing strike.

2. A reference was made by the Government of India on 19-03-1986 to the Industrial Tribunal (Central) at Hyderabad against the order of dismissal passed by the petitioner against the said Banaiah. The Industrial Tribunal through its award dtd.22-01-1987 confirmed the order of the petitioner finding the petitioner guilty of the charges but the Tribunal modified the order of dismissal on the ground of disproportionality and directed that the said workman shall be reinstated with back wages with a

penalty of stoppage of one increment. The petitioner being aggrieved by the order of the Industrial Tribunal filed the present writ petition in the year 1989. It was dismissed for default on 24-06-1999 and subsequently the petitioner filed an application to restore the writ petition with a delay condonation petition. The petitions were ordered and the matter was heard on merits. After going through the order of the disciplinary authority and the award of the Industrial Tribunal, this Court finds no ground to interfere with the order of the Industrial Tribunal regarding the finding of guilty of the workman on the charge of leaving the work place without permission.

3. The petitioner's counsel submitted that the punishment of dismissal imposed by the petitioner on the workman is not disproportionate to the gravity of the misconduct and as the Industrial Tribunal interfered with the matter without taking into consideration the gravity of the misconduct committed by the workman, the order of the Industrial Tribunal is liable to be set aside.

4. After going through the material, I am convinced that the punishment of dismissal imposed on the workman was rightly held to be disproportionate to the gravity of the misconduct that was proved against the workman and the Tribunal was right in directing payment of back wages to the petitioner by ordering reinstatement. By virtue of an interim order of this Court, the petitioner reinstated the workman and the workman retired from service in the year 1998. It is also borne out from the record that by virtue of the interim direction of this Court, 50% of the back wages were also paid by the petitioner to the workman. I do not find any ground to interfere with the order of the Industrial Tribunal dtd.22-01-1987. The petitioner shall pay whatever balance amount is due to the workman towards back wages within one month from the date of receipt of a copy of this order.

5. The writ petition is accordingly dismissed. No order as to costs.

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November 18, 2004

To

1. The Presiding Officer,
   Industrial Tribunal (Central),
   Hyderabad.
2. The workmen of Singareni Collieries
   Co. Ltd., Ramakrishnapur-II Division,'
   PO: Kalyanikhani, Adilabad District.
3. Two C.Cs to the GP for Social Welfare, AP High Court Buildings, High Court of A.P., Hyderabad.(O.U.T.)

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